

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES**

**August 22, 2005**

**MEMBERS PRESENT:** Emery Zahner, Cliff Aucter, Geri Kupecky, Lori Spielman, Robert Hoffman and Alternate Arlo Hoffman

**MEMBERS ABSENT:** Mort Heidari, and Alternates James Prichard and Ronald Small

**STAFF PRESENT:** Kristin Michaud, Recording Secretary

**I. CALL TO ORDER:**

Chairman Zahner called the Planning & Zoning Commission (PZC) meeting to order at 7:04 PM at the Ellington Town Hall Annex Meeting Room, 57 Main Street, Ellington, CT.

**II. PUBLIC COMMENTS: NONE**

**III. PUBLIC HEARINGS:**

1. #Z200522 – Pioneer Builders of Ellington, Inc. for site plan approval and special permit for a 49-unit Age Restricted Cluster Housing Development on property located at 22 Maple Street, APN 073-014-0000 in an ARCH Zone.

**TIME:** 7:05

**SEATED:** E. Zahner, C. Aucter, B. Hoffman, L. Spielman, A. Hoffman, G. Kupecky

Attorney Kerensky, Kahan, Kerensky, & Capossela, came forward for the applicant and gave an overview of the project. He reviewed all exhibits for the record. He reviewed the Town Engineer's letters dated 7/25/05 and 8/16/05. He also explained that this project could have held up to 80 units and still comply with the regulations.

Betsy Kaemmerlen, Fuss & O'Neill, Inc., Landscape Architect reviewed the architectural plans and explained the planting schedule. Dan Delany, Fuss & O'Neill, Inc., Project Engineer reviewed the drainage issues. Kristen Solloway, Fuss & O'Neill, Inc., Traffic Engineer reviewed the traffic study.

Chairman Zahner read Attorney Meg Rattigan's letter dated 8/17/05.

Several members of the public expressed their concerns about drainage issues.

**MOVED (B. HOFFMAN), SECONDED (AUCTER) AND PASSED UNANIMOUSLY TO GRANT INTERVENER STATUS TO JAMES PRICHARD.**

**MOVED (AUCTER), SECONDED (B. HOFFMAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200522 – PIONEER BUILDERS OF ELLINGTON, INC.**

**MOVED (A. HOFFMAN), SECONDED (AUCTER) AND PASSED UNANIMOUSLY TO APPROVE #Z200522 – PIONEER BUILDERS OF ELLINGTON, INC. PURSUANT TO CONNECTICUT GENERAL STATUTE 22a-19, THE PROPOSED CONDUCT DOES NOT, OR IS NOT REASONABLY LIKELY TO HAVE THE EFFECT OF UNREASONABLY POLLUTING, IMPAIRING OR DESTROYING THE PUBLIC TRUST IN THE AIR, WATER OR OTHER NATURAL RESOURCES OF THE STATE. THEREFORE, THE SITE PLAN AND SPECIAL PERMIT APPLICATION #Z200522 SHOULD BE APPROVED BECAUSE THE PROPOSED PLANS ARE IN COMPLIANCE WITH THE STANDARDS AND CRITERIA OF ELLINGTON REGULATIONS.**

**MOVED (B. HOFFMAN), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO GO OUT OF AGENDA ORDER.**

3. #S200507—Joseph MacVarish for a 2 lot resubdivision on property located at 264-266 Crystal Lake Road, APN 083-018-0000 in an AA Zone.

**TIME: 8:15**

**SEATED:** E. Zahner, C. Aucter, B. Hoffman, L. Spielman, A. Hoffman, G. Kupecky

Denise Lord, Anchor Engineering, reviewed the application.

**MOVED (AUCTER), SECONDED (B. HOFFMAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #S200507 – JOSEPH MACVARISH.**

**MOVED (SPIELMAN), SECONDED (AUCTER) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION #S200507 – JOSEPH MACVARISH.**

**CONDITION: MUST COMPLY WITH TOWN ENGINEER'S LETTER DATED AUGUST 19, 2005.**

**THE COMMISSION WENT BACK TO ORIGINAL ORDER OF AGENDA**

2. #Z200529—Development Services, LLC for site plan approval and special permit for an Age-Restricted Cluster Housing Development on properties located on Windermere Avenue, APN 017-024-0000 & 018-003-0000 in an ARCH Zone.

**TIME: 8:20**

**SEATED:** E. Zahner, L. Spielman, B. Hoffman, C. Aucter, G. Kupecky (A. Hoffman – recused)

Attorney Walter Twachtman came forward for the applicant. He reviewed the plan with the commission and explained that all other required approvals have been obtained.

Andie Greene, Professional Engineer, Milone & MacBroom, reviewed the existing site conditions. He noted that there will be 123 units, 20' wide roadways and 20' between each unit, 15.8% of building coverage, 32.4% of impervious surface on the site and increased setbacks around the property.

Rod Shaw, Landscape Architect, Milone & MacBroom, reviewed the architectural plans and explained the planting schedule.

Scott Hesketh, F.A. Hesketh & Associates, came forward to review the traffic impacts and explained there will be 96 more trips in the A.M. and 196 more trips in the P.M.

Jay Fisher, Development Services, came forward to review the architecture of the units.

Chairman Zahner, read the Town Engineer's letter dated 7/25/05.

**MOVED (SPIELMAN), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200529 – DEVELOPMENT SERVICES.**

**MOVED (B. HOFFMAN), SECONDED (SPIELMAN) AND PASSED (C. AUCTIONER – OPPOSED) TO APPROVE WITH CONDITION #Z200529 – DEVELOPMENT SERVICES.**

**CONDITION: MUST COMPLY WITH TOWN ENGINEER'S LETTER DATED JULY 25, 2005 AND MYLARS MUST REFLECT PUBLIC ACCESS TO WALK WAY.**

#### **IV. NEW BUSINESS:**

1. #Z200532 – Church of Jesus Christ of Latter Day Saints for site plan approval for expansion of the parking lot on property located at 2 Maple Street, APN 073-012-0000 in a PC Zone.

Per the applicants request this item was continued to the September 26, 2005 meeting.

**MOVED (AUCTIONER), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO CONTINUE #Z200532 – CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS.**

2. #Z200533 – Cornerstone Ellington, LLC for a modification of site plan approval to revise grading to eliminate retaining wall, modify entrance to conform to Department of Transportation comments and modify landscaping plan on property located on West Road, APN 037-005-0086 in a PC Zone.

Rich Pettineli, VHB, reviewed the changes to the plan. He explained that they took out some shrubs and replaced them with trees for more visibility.

Chairman Zahner read the Town Engineer's letter dated 8/19/05 and the Design Review Board's letter dated 8/4/05.

**MOVED (B. HOFFMAN), SECONDED (AUCTIONER) AND PASSED UNANIMOUSLY TO APPROVE WITH MODIFICATION #Z200533 – CORNERSTONE ELLINGTON, LLC.**

**MODIFICATION: COMMISSION DID NOT APPROVE ANY CHANGES TO THE LANDSCAPING PLAN.**

#### **V. CLOSE THE PUBLIC MEETING IN ORDER TO GO INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING PENDING LITIGATION**

**MOVED (SPIELMAN), SECONDED (B. HOFFMAN) TO CLOSE THE PUBLIC MEETING IN ORDER TO GO INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING PENDING LITIGATION.**

**ATTENDING THE EXECUTIVE SESSION WERE E. ZAHNER, G. KUPECKY, L. SPIELMAN, C. AUCTIONER, R. HOFFMAN, A. HOFFMAN AND TOWN ATTORNEY SUSAN BOYAN.**

**MOTION (AUCTER), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO ADJOURN THE EXECUTIVE SESSION.**

**IV. RE-OPEN THE PUBLIC MEETING**

3. Request for a 90-day extension to file mylars for the Crestwood Estates IV Subdivision (#S200412 – Ellsworth Lane & Benjamin Drive)

**MOVED (KUPECKY), SECONDED (B. HOFFMAN) AND PASSED UNANIMOUSLY TO GRANT A 90-DAY EXTENSION TO FILE MYLARS FOR CRESTWOOD IV SUBDIVISION.**

4. Request for a 30-day extension to file mylars for the Ryefield Estates Subdivision (#S200407—Crane Road).

**MOVED (B. HOFFMAN), SECONDED (AUCTER) AND PASSED UNANIMOUSLY TO GRANT A 30-DAY EXTENSION TO FILE MYLARS FOR RYEFIELD ESTATES SUBDIVISION.**

5. CGS 8-24 Review: Zimmerman Way and Abbott Road to allow for the Board of Selectmen to accept the roads. (#S200405--Zimmerman Subdivision)

**MOVED (AUCTER), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO RECOMMEND ACCEPTANCE OF ZIMMERMAN WAY AND A PORTION OF ABBOTT ROAD TO THE BOARD OF SELECTMEN.**

6. CGS 8-24 Review: Donation of Land on Sadds Mill Road to the Town of Ellington from the State of Connecticut.

**MOVED (AUCTER), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY RECOMMEND ACCEPTANCE OF LAND ON SADDIS MILL ROAD TO BE DONATED TO THE TOWN OF ELLINGTON FROM THE STATE OF CONNECTICUT.**

7. CGS – 8-24 Review: Porter Road (section) Discontinuance.

**TABLED TO THE SEPTEMBER 26, 2005 MEETING.**

8. #S200508 – Gotta Go, LLC for a 2 lot subdivision on property located at 35 South Road, APN 112-036-0000 in an LR Zone. (RECEIPT ONLY)

**BY OPERATION OF STATE STATUTE THE DATE OF RECEIPT IS AUGUST 22, 2005.**

**VII. UNFINISHED BUSINESS:**

1. Discussion: Land Use Permit Fee Modifications.

The commission did not discuss this item.

**MOVED (KUPECKY), SECONDED (B. HOFFMAN) AND PASSED UNANIMOUSLY TO ADD BY VOICE VOTE: #Z200531 – TOLL BROTHERS, INC. FOR SITE PLAN MODIFICATION.**

**MOVED (AUCTER), SECONDED (KUPECKY) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION #Z200531 – TOLL BROTHERS, INC.**

**CONDITION: APPLICANT MUST COMPLY WITH LETTER DATED AUGUST 23, 2005 FROM TOLL BROTHERS, INC. (SEE ATTACHMENT)**

**VIII. ADMINISTRATIVE BUSINESS:**

**THE COMMISSION TABLED ADMINISTRATIVE BUSINESS TO THE SEPTEMBER 26, 2005 MEETING.**

1. Appointments to CRCOG Regional Planning Commission.
2. Determination by PZC if they would like to have a discussion with Keith Ballasy regarding re-zoning at 298 Somers Road.
3. Determination by PZC if they would like to have a discussion with Bill Freeman regarding the sidewalk at Chasseral Meadows.
4. Recommendation from the Conservation Commission for the Planning & Zoning Commission to implement a moratorium.
5. Recommendation from the Inland Wetland Commission for the Planning & Zoning Commission to implement a moratorium.
6. Recommendation from the Economic Development Commission for the Planning & Zoning Commission to have two meetings a month for review of zoning regulations.
7. Recommendation from the Zoning Board of Appeals for the Planning & Zoning Commission to consider regulations for impervious surface.
8. Approval of June 27, 2005 Meeting Minutes and July 25, 2005 Meeting Minutes.
9. Correspondence:
  - a. Memo to Planning & Zoning Commission from Attorney Susan Boyan dated, 07-18-05 (Appeal of Yanaros Subdivision on Ladd Road)
  - b. CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES, Summer 05.

**SO NOTED**

**XIII. ADJOURNMENT:**

**MOVED (AUCTION), SECONDED (KUPCECKY) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 11:00 PM.**

Respectfully Submitted,

Kristin Michaud  
Recording Secretary